

REMARKS

These Remarks are responsive to the Final Office Action (“Office Action”) mailed on November 26, 2007. In this response, claims 1, 7 and 13 have been amended. No new matter has been added. Entry of the amendments to claims 1, 7 and 13 is respectfully requested. Applicant also respectfully requests reconsideration of the rejections of claims 1, 5-7, 11-13 and 17-18 for at least the following reasons.

I. **THE ANTICIPATION REJECTION OF CLAIMS 1 AND 9-11**

On pages 2 of the Office Action, claims 1, 5-7, 11-13, and 17-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kikinis (U.S. Patent No. 6,289,389). This rejection is hereby respectfully traversed.

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. In re Sun, 31 USPQ2d 1451, 1453 (Fed. Cir. 1993) (unpublished). Anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. Id.. “In addition, the prior art reference must be enabling.” Akzo N.V. v. U.S. International Trade Commission, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987). That is, the prior art reference must sufficiently describe the claimed invention so as to have placed the public in possession of it. In re Donohue, 766 F.2d 531, 533, 226 USPQ 619, 621 (Fed. Cir. 1985). Such possession is effected only if one of ordinary skill in the art could have combined the disclosure in the prior art reference with his/her own knowledge to make the claimed invention. Id..

Regarding claim 1, the Examiner asserts that Kikinis discloses the claimed invention. Applicant respectfully disagrees. However, in order to forward the present application toward allowance, Applicant has amended claims 1, 7 and 13 to more specifically define the claimed invention, and specifically those features that differentiate the claimed invention from Kikinis, as well as other cited references. In particular, Applicant respectfully submits that Kikinis and the other cited references, taken either alone or in combination, fail to disclose, or even suggest, a method for requesting and securely receiving data from the Internet, comprising the step of “transmitting said first set of data packet at a first transmission time via the Internet; and transmitting said second set of data packets at a second transmission time via the satellite delivery system,” as presently claimed. Instead, Kikinis discloses a decryption key (a second set of data packets) may be sent back to the user via digital link 53 of FIG. 1 to proxy-server 29 and back through digital link 20, PSTN cloud 15, analog link 18 through analog modem 17 and into the users PC.” *See, e.g., column 6, lines 34-37.* Further, Kikinis discloses “the data packet (first set of data packet) proceeds through digital link 55 to satellite sending dish 45 where it is broadcast to home receiving dish 23, where it is picked up by satellite modem 21 through cable 27 and downloaded into PC 19.” *See, e.g., column 6, lines 39-42.* In addition, nowhere does Kikinis disclose, or even suggest, transmitting data via the Internet. It appears that the Examiner interprets digital link 20, PSTN cloud 15, analog link 18 and analog modem 17 to be the Internet, however, these components are merely part of the land-based transmission path. Specifically, Kikinis discloses Internet 24 connected to the proxy-server 29 via a digital link 22 and digital link 20, PSTN cloud 15, analog link 18 and analog modem 17 serves as the land-based path

between the client connecting equipment 11 and the network equipment 13. Therefore, digital link 20, PSTN cloud 15, analog link 18 and analog modem 17 of Kikinis are not the Internet.

Moreover, the Examiner asserts that Kikinis the encrypted data and the key are transmitted via modem and satellite. Applicant respectfully disagrees. Applicant respectfully submits that nowhere does Kikinis disclose, or even suggest, that the key is transmitted via a satellite system to the user. In contrast, Kikinis specifically discloses that the decryption key is “sent back to the user via digital link 53 of FIG. 1 to proxy-server 29 and back through digital link 20, PSTN cloud 15, analog link 18 through analog modem 17 and into the users PC.” See, e.g., column 6, lines 33-37. In addition, Applicant respectfully submits that it is the data packets that are handled individually and can be sent by land and satellite at the same time, and not the decryption key. Accordingly, is it respectfully submitted that claim 1 is allowable over Kikinis.

Regarding to claims 5 and 6, these claims are dependent upon independent claim 1. Thus, since independent claim 1 should be allowable as discussed above, claims 5 and 6 should also be allowable at least by virtue of their dependency on independent claim 1. Moreover, these claims recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

Regarding claims 7 and 13, these claims recite subject matter related to claim 1. Thus, the arguments set forth above with respect to claim 1 are equally applicable to claims 7 and 13. Accordingly, is it respectfully submitted that claims 7 and 13 are allowable over Kikinis for the same reasons as set forth above with respect to claim 1.

Regarding to claims 11, 12, 17, and 18, these claims are dependent upon independent claims 7 and 13. Thus, since independent claims 7 and 13 should be allowable as discussed

above, claims 11, 12, 17, and 18 should also be allowable at least by virtue of their dependency on independent claims 7 and 13. Moreover, these claims recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 1, 5-7, 11-13, and 17-18 be withdrawn.

CONCLUSION

Applicant respectfully submits that the application is in condition for allowance and respectfully requests a notice of allowance for the pending claims. Should the Examiner determine that any further action is necessary to place this application in condition for allowance, the Examiner is kindly requested and encouraged to telephone Applicant's undersigned representative at the number listed below.

It is believed that no fees are due in connection with this response. However, if any fees are determined to be due, the Commissioner is hereby authorized to charge these fees to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,
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